

Application No. 09/761,374
Amendment "C" dated September 14, 2005
Reply to Office Action mailed July 14, 2005

REMARKS

Claims 1-26 are pending, of which claims 1 and 10 are independent method claims, and claim 20 is an independent computer program product claim corresponding to independent method claim 1.

The Office Action rejected each of the pending independent claims (1, 10, and 20) under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,643,355 to Tsumpes ("*Tsumpes*") in view of U.S. Patent No. 6,804,707 to Ronning ("*Ronning*") and U.S. Patent No. 5,326,027 to Sulfstede ("*Sulfstede*"); and rejected the remaining dependent claims under 35 U.S.C. § 103(a) as being unpatentable over *Tsumpes* in view *Ronning*, *Sulfstede*, U.S. Patent No. 6,697,849 to Carlson ("*Carlson*"), U.S. Patent No. 6,076,114 to Wesley ("*Wesley*"), and/or U.S. Patent No. 5,703,929 to Schillaci et al. ("*Schillaci*").¹

Applicants' invention, as claimed for example in independent method claim 1, relates to efficiently notifying the client system of the occurrence of a monitored event, so as to provide notification in a manner preserving the processing capacity of the server system and the client system, and preserving bandwidth on the network system. The method includes the client system sending a request to the server system, wherein the request is that the server system transmit a packet of data to the client system using a connectionless protocol that does not require a session be established between the client system and the server system in order for communication to occur between the client system and the server system. The client system attempts to receive a packet of data from the server system, wherein the packet of data is sent using a connectionless protocol. The client system requests that notifications be sent using the connectionless protocol, if the attempt to receive the packet of data is successful. The client system requests that notifications be sent using a connection-oriented protocol, if the attempt to receive the packet of data is not successful. The connection-oriented protocol establishes a session between the client system and the server system in order for communication to occur between the client system and the server system.

Independent claim 20 recites similar limitations from the perspective of a computer program product.

¹Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

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Applicants' invention as claimed for example in independent method claim 10, relates to determining if notification from the server system to the client system is viable, using a connectionless protocol, so as to provide notification in a manner preserving the processing capacity of the server system and the client system, and preserving bandwidth on the network system. The method includes a step for the client system to determine if communication can be received from the server system using the connectionless protocol that does not require a session be established between the client system and the server system in order for communication to occur between the client system and the server system. The client system requests that notifications be sent using the connectionless protocol, if the attempt to receive communication is successful. Furthermore, the client system requests that notifications be sent using a connection-oriented protocol, if the attempt to receive communication is not successful. Once again, the connection-oriented protocol establishes a session between the client system and the server system in order for communication to occur between the client system and the server system.

In order to establish a *prima facie* case of obviousness, "there must be some suggestion or motivation . . . to combine reference teachings" and "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

Tsumpes relates to alarm and event notification systems. Col. 1, ll. 14-23; Figure 1. One of the problems with conventional monitoring stations is that only one employee is responsible for processing an event and the subscriber has no direct control over how the event is handled. Col. 2, ll. 6-12. Thus, on many occasions, due to the manual nature of processing calls (i.e., calls to notify a subscriber of an event) one at a time, vital minutes lapse between when an actual breach or emergency occurs and the subscribers and/or authorities are notified. Col. 2, ll. 12-16.

To address this shortcoming, *Tsumpes* provides an automated and redundant subscriber contact and event notification system. Col. 2, ll. 33-40. Subscribers select and enter information regarding the number of persons to be notified and a list of telephone numbers and notification channels to be notified in relation to a particular event, including telephone numbers, mobile telephone numbers, pager numbers, fax numbers, voice mail numbers, email addresses, steps to

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be taken, hours of operation, etc. Col. 6, ll. 10-23. The parallel and redundant calling of plural numbers and contact and notification over plural communication channels insures that the subscriber or an authorized person will be contacted quickly even in the event one of the communication channels may be rendered inoperative or any one of a subscriber contact persons be unavailable. Col. 8, ll. 25-30.

Ronning discloses a method and system for pushing information to personal computing and communication devices operated by users in such a way that the users can use and/or act upon the information even when the users are off-network or off-line. Col. 1, ll. 49-53. For example, communication equipment and computer programs automatically push dispatch information from senders, such as a trucking or service company, to recipients, such as truck operators or other employees, request acknowledgement from the recipients, and then transmit task status information from the recipients back to the senders. Col. 4, ll. 40-51.

Sulfstede relates to automatic configuration of an air conditioning controller. Abstract. In providing background, *Sulfstede* indicates that it would be desirable to allow a consumer to automatically upgrade from a wired remote controller to a wireless remote controller without the necessity of a house call by an expert installer, and that it would be desirable to allow a consumer to automatically downgrade from a wireless remote controller to a wired remote controller, should the wireless remote controller fail. Col. 1, ll. 22-29.

The Office Action acknowledges that *Tsumpes* fails to disclose using a connectionless protocol, if an attempt to receive a packet of data using the connectionless protocol is successful, and using a connection-oriented protocol, if the attempt to receive the packet of data using the connectionless protocol is unsuccessful. Office Action, p. 4 (rejection of claim 1). In rejecting claim 1, however, the Office Action asserts that the above cited passages from *Ronning* and *Sulfstede* disclose these limitations, and that it would have been obvious to incorporate the teachings of *Ronning* and *Sulfstede* into *Tsumpes*' event notification system in order to be cost effective and limit redundant communication. Applicants respectfully disagree.

In particular, one of the primary purposes of *Tsumpes* is to reduce the amount of time taken for a central monitoring station to notify a subscriber and authorities when an alarm sensor is triggered. In order to accomplish this, it is a fundamental characteristic of *Tsumpes* that multiple parallel and redundant communication are used simultaneously. After all, even minutes

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make a difference when notifying subscribers and authorities of a potential breach of a secured area, where the safety of human occupants may potentially be at stake.

The prior Office Action stated in response to the applicant's arguments in Amendment "B", that *Tsumpes* teaches that the reasons for the parallel and redundant subscriber contact is to "ensure that in the event that one specific location should be rendered inoperable or inaccessible to communication channels . . ." (see page 3, Response to Arguments section of Office Action) "that it's services will still be performed" (*Tsumpes*, Column 3, lines 28-29). The Office Action then attempts to use this passage to justify a modification of *Tsumpes* to remove the requirement of *Tsumpes* that the notifications being parallel and redundant. The Office Action further assumes that this modification would be advantageous since one of the channels might not be operational, so why not try another.

However, the main point of *Tsumpes* is that even if one of the notification methods is not operational, that other notifications are being tried simultaneously, not sequentially, and thus the subscriber and authorities are notified WITHOUT the potentially extremely harmful delay of trying notification methods in sequence. The central monitoring station instead reduces delay in notifying the subscriber and authorities of the alarm, by trying multiple communication channels simultaneously, thereby ensuring prompt, reliable, notification to the subscriber and authorities even if one of the notification locations cannot be accessed. One of ordinary skill in the art would thus never modify the "Automated Parallel and Redundant Subscriber Contact and Event Notification" system (see Title of *Tsumpes*) of *Tsumpes*, to be a sequential subscriber contact and event notification system, regardless of what secondary references are proposed to be combined with *Tsumpes*. Accordingly, there is no motivation or teaching to combine references which would propose such a sequential notification system with *Tsumpes*. Therefore, the 35 U.S.C. 103(a) rejections should all be withdrawn.

Furthermore, the independent claims as amended herein clarify the meaning of "connection-oriented protocol" and "connectionless protocol" consistent with the definitions provided in the applicants' specification at page 9, second and third paragraphs. The Office Action seems to be under the false-impression that "wired communication" equates always to "connection-oriented protocol" and "wireless communication" equates to "connectionless protocol". However, connection-oriented protocol may be implemented using wired and/or wireless communication, whereas connectionless protocol may also be implemented using wired

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and/or wireless communication. These terms are not directly correlated. The claims are amended in order to make that clearer.

With respect to Claim 1, even should the references be combined, the combination does not teach or suggest all of the recited features of Claim 1. Specifically, the Office Action acknowledges that *Tsumpes* does not explicitly disclose using a connectionless protocol, if the attempt to receive the packet of data is successful, and using the connection-oriented protocol, if the attempt to receive the packet of data is not successful. Then, as those improperly equating "wireless communication" to "connectionless protocol" and "wired communication" to "connection-oriented protocol" alleges that *Rouning* and *Sulfstede* disclose various forms of wired and wireless communication with some switching between the two. With the clarification on the meaning of "connection-oriented protocol" and "connectionless protocol" now recited in the independent claims, one can see that these allegations do not amount to a *prima facie* case of unpatentability under 35 U.S.C. 103 against any of the independent claims, even if the reference are improperly combined. Therefore, for this independent reason as well, the 35 U.S.C. 103(a) rejections should be withdrawn.

With respect to Claim 3, 12 and 22, the Office Action attempts to justify a modification of *Tsumpes* using a reference that teaches polling, in order to modify *Tsumpes* to teach that the central monitoring station of *Stumpes* may instead wait to be polled by the subscribers and authorities or by their associated computing systems in a pull fashion, rather than send the notifications to the subscribers and authorities as soon as the central monitoring station receives an alarm. It is known in the art that pull technologies (such as polling) may take significantly longer to communicate a message than push technologies (such as typical event notification). The extent of the further delay depends on the interval of polling. In the context of *Tsumpes*, polling would simply be unacceptable to one of ordinary skill in the art since second or minutes of delay in the context of being notified of a home or car intrusion could mean harm to person or property that could have otherwise been avoided without the delay. Accordingly, one of ordinary skill in the art will have an extreme disincentive to modify *Tsumpes* to teach Claim 3, whether alone, or in combination with one or more other references that teach polling. The Office Action alleges that polling would reduce delay, which is technically inaccurate.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example,

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in independent claims 1, 10, and 20. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 14th day of September, 2005.

Respectfully submitted,



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